General Assembly

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Fifty-fifth session
Agenda item 114 (*b*)

Resolution adopted by the General Assembly

[*on the report of the Third Committee (A/55/602/Add.2 and Corr.1)*]

55/95. Situation of human rights in Cambodia

The General Assembly,

Guided by the purposes and principles embodied in the Charter of the United Nations, the Universal Declaration of Human Rights[1] and the International Covenants on Human Rights,[2]

Recalling the Agreement on a Comprehensive Political Settlement of the Cambodia Conflict, signed in Paris on 23 October 1991,[3] including part III thereof, relating to human rights,

Recalling also its resolution 54/171 of 17 December 1999, taking note of Commission on Human Rights resolution 2000/79 of 26 April 2000,[4] and recalling further previous relevant resolutions,

Recognizing that the tragic history of Cambodia requires special measures to ensure the protection of the human rights of all people in Cambodia and the non-return to the policies and practices of the past, as stipulated in the Agreement signed in Paris on 23 October 1991,

Desiring that the international community continue to respond positively to assist efforts to investigate the tragic history of Cambodia, including responsibility for past international crimes, such as acts of genocide and crimes against humanity during the regime of Democratic Kampuchea from 1975 to 1979,

Bearing in mind the request made in June 1997 by the Cambodian authorities for assistance in responding to past serious violations of Cambodian and international law, the letter dated 15 March 1999 from the Secretary-General to the President of the General Assembly and the President of the Security Council[5] and the report of the Group of Experts appointed by the Secretary-General annexed thereto, and the discussions held between the Government of Cambodia and the

[1] Resolution 217 A (III).
[2] Resolution 2200 A (XXI), annex.
[3] A/46/608-S/23177.
[4] See *Official Records of the Economic and Social Council, 2000, Supplement No. 3* and corrigendum (E/2000/23 and Corr.1), chap. II, sect. A.
[5] A/53/850-S/1999/231.

United Nations Secretariat on standards and procedures for bringing to justice the Khmer Rouge leaders most responsible for the most serious violations of human rights in the years 1975-1979,

Recognizing the legitimate concern of the Government and people of Cambodia in the pursuit of internationally accepted principles of justice and of national reconciliation,

Recognizing also that accountability of individual perpetrators of grave human rights violations is one of the central elements of any effective remedy for victims of human rights violations and a key factor in ensuring a fair and equitable justice system and, ultimately, reconciliation and stability within a State,

Welcoming the continuing role of the United Nations High Commissioner for Human Rights in the promotion and protection of human rights in Cambodia,

1. *Requests* the Secretary-General, through his Special Representative for human rights in Cambodia, in collaboration with the office in Cambodia of the United Nations High Commissioner for Human Rights, to assist the Government of Cambodia in ensuring the protection of the human rights of all people in Cambodia and to ensure adequate resources for the continued functioning of the operational presence in Cambodia of the Office of the United Nations High Commissioner for Human Rights and to enable the Special Representative to continue to fulfil his tasks expeditiously;

2. *Takes note with appreciation* of the report of the Secretary-General concerning the situation of human rights in Cambodia;[6]

3. *Requests* the Government of Cambodia and the office in Cambodia of the High Commissioner to exchange the memorandum of understanding for the extension of the mandate of the office after March 2000, and encourages the Government of Cambodia to continue to cooperate with the office;

4. *Commends and expresses its deep appreciation* for the work of the former Special Representative of the Secretary-General for human rights in Cambodia, Thomas Hammarberg, in promoting and protecting human rights in Cambodia;

5. *Welcomes* the appointment by the Secretary-General of Peter Leuprecht as his new Special Representative for human rights in Cambodia, and requests the Special Representative, in collaboration with the Office of the High Commissioner, to continue the work of his predecessors by evaluating the extent to which the recommendations in his forthcoming reports, and those contained in the reports of his predecessors, are followed up and implemented, while maintaining contact with the Government and people of Cambodia;

6. *Notes with concern* the continued problems related to the rule of law and the functioning of the judiciary, including interference by the executive with the independence of the judiciary, inter alia, through rearrests, and welcomes statements by the Government committing itself to judicial reform, the work currently being done to prepare the laws and codes that are essential components of the basic legal framework, meetings of the Supreme Council of Magistracy and the establishment of the Council of Judicial Reform;

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[6] A/55/291.

7. *Urges* the Government of Cambodia to continue to take the necessary measures to develop an independent, impartial and effective judicial system, including through the early adoption of the draft statute on magistrates, a penal code and a code on criminal procedures, and the reform of the administration of justice, and appeals to the international community to assist the Government to this end;

8. *Welcomes* the draft governance action plan prepared by the Government of Cambodia, encourages the early adoption and implementation thereof, and appeals to the international community to assist the Government in its efforts to implement the plan;

9. *Commends* the initial efforts of the Government of Cambodia with regard to the review and the stated commitment to the downsizing of the police and the military, urges the Government to take further measures to carry out effective reform aimed towards professional and impartial police and military forces, and invites the international community to continue to assist the Government to this end;

10. *Recognizes* the importance of human rights education and training in Cambodia, commends the efforts of the Government of Cambodia, the Office of the High Commissioner and civil society in this field, encourages further strengthening and wider dissemination of these programmes, and invites the international community to continue to assist these efforts;

11. *Commends* the vital and valuable role played by non-governmental organizations in Cambodia, inter alia, in the development of civil society, and encourages the Government of Cambodia to continue to work closely and cooperatively with non-governmental organizations in efforts to strengthen and uphold human rights in Cambodia;

12. *Notes with interest* the activities undertaken by the governmental Cambodian Human Rights Committee, the National Assembly Commission on Human Rights and Reception of Complaints and the Senate Commission on Human Rights and Reception of Complaints, and welcomes preliminary efforts to establish an independent national human rights commission, which should be based on the principles relating to the status of national institutions for the promotion and protection of human rights, known as the Paris principles,[7] and requests the Office of the High Commissioner to continue to provide advice and technical assistance in these efforts;

13. *Expresses grave concern* about continued violations of human rights, including torture, extrajudicial killings, excessive pre-trial detention, violation of labour rights, illegal confiscation of land and forced relocation, as well as the apparent lack of protection from mob killings, as detailed in the report of the Special Representative to the Commission on Human Rights at its fifty-sixth session,[8] and notes some progress made by the Government of Cambodia in addressing these issues;

14. *Expresses serious concern* about the continued prevalence of impunity in Cambodia, commends the initial commitment and efforts of the Government of Cambodia to tackle this question, and calls upon the Government to take further measures, as a matter of critical priority, to investigate urgently and prosecute, in

[7] See resolution 48/134, annex.
[8] E/CN.4/2000/109.

accordance with due process of law and international human rights standards, all those who have perpetrated violations of human rights;

15. *Welcomes* the investigations into some cases of politically motivated violence, while remaining concerned at the continued reports of politically motivated violence and intimidation, and urges the Government of Cambodia to undertake further investigations in line with its stated commitments and to take appropriate measures to prevent politically motivated violence and intimidation in the future;

16. *Also welcomes* the commitment and efforts made by the Government of Cambodia with respect to tackling the question of human rights violations, and notes with interest the investigations undertaken by the governmental Cambodian Human Rights Committee and by the national police in order to bring to justice those responsible for such violations and to ensure security of persons and rights of association, assembly and expression;

17. *Reaffirms* that the most serious human rights violations in Cambodia in recent history have been committed by the Khmer Rouge, welcomes the final collapse of the Khmer Rouge, which has paved the way for the restoration of peace, stability and national reconciliation in Cambodia and the investigation and prosecution of the leaders of the Khmer Rouge, and notes with interest the progress made by the Government of Cambodia in bringing to justice the Khmer Rouge leaders most responsible for the most serious violations of human rights;

18. *Welcomes* the successful conclusion of the talks between the Government of Cambodia and the United Nations Secretariat on the question of the trial of the Khmer Rouge leaders who are most responsible for the most serious violations of human rights, appeals strongly to the Government to ensure, including by facilitating the expedited completion of the necessary legislative process as soon as possible, that those Khmer Rouge leaders are brought to account in accordance with international standards of justice, fairness and due process of law, encourages the Government to continue to cooperate with the United Nations on this issue, and welcomes the efforts of the Secretariat and the international community in assisting the Government to this end;

19. *Takes note with interest* of the signing by Cambodia of the Rome Statute of the International Criminal Court;[9]

20. *Reaffirms* the importance of the upcoming communal elections being conducted in a free and fair manner, takes note with interest of the draft legislation for preparing for communal elections, and urges the Government of Cambodia to continue to prepare for them accordingly;

21. *Welcomes* the initial progress made under the five-year action plan by the Government of Cambodia, in particular by the Ministry of Women's and Veteran's Affairs, to improve the status of women, and urges the Government to continue to take appropriate measures to eliminate all forms of discrimination against women, to combat violence against women in all its forms, including grave violations of the rights of women perpetrated by elements of law enforcement and armed forces personnel, and to take all steps to meet its obligations as a party to the Convention on the Elimination of All Forms of Discrimination against Women,[10] including by seeking technical assistance;

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[9] A/CONF.183/9.

[10] Resolution 34/180, annex.

22. *Calls upon* the Government of Cambodia to continue to take further measures to ensure adequate health conditions, with emphasis on ensuring such conditions for women and children and minority groups and on the problem of the human immunodeficiency virus/acquired immunodeficiency syndrome, and encourages the international community to continue to support the Government to this end;

23. *Commends* the continued efforts of the Government of Cambodia, together with non-governmental organizations, local authorities and United Nations bodies, to improve the quality of and access to education, calls for further measures to be taken in order to ensure the right of Cambodian children to education, especially at the primary level, in accordance with the Convention on the Rights of the Child,[11] and requests the international community to provide assistance for the achievement of this goal;

24. *Welcomes* the signing of the United Nations inter-agency memorandum of understanding with the Ministry of the Interior on Law Enforcement against Sexual Exploitation of Children, and encourages the Government of Cambodia to ensure the necessary law enforcement and other measures to tackle the problem of child prostitution and trafficking in Cambodia;

25. *Notes with serious concern* the problem of child labour in its worst forms, calls upon the Government of Cambodia to ensure adequate health and safety conditions for children and to outlaw, in particular, the worst forms of child labour, invites the International Labour Organization to continue to extend the necessary assistance in this regard, and encourages the Government of Cambodia to consider ratifying the 1999 International Labour Organization Convention concerning the Prohibition and Immediate Action for the Elimination of the Worst Forms of Child Labour, Convention No. 182;

26. *Also notes with serious concern* the prison conditions in Cambodia, notes with interest some improvements in the prison system, commends the continued international assistance to improve the material conditions of detention, and calls upon the Government of Cambodia to take the further measures necessary to improve prison conditions, especially with regard to providing the minimum standard of food and health care and meeting the special needs of women and children, including by strengthening the coordinating role of the Prison Health Department with the Ministry of Health, provincial authorities and non-governmental organizations working in this field;

27. *Urges* an end to racial violence against and vilification of ethnic minorities, including the ethnic Vietnamese, and also urges the Government of Cambodia to take all steps to prevent such violence, as well as to meet its obligations as a party to the International Convention on the Elimination of All Forms of Racial Discrimination,[12] inter alia, by seeking technical assistance;

28. *Welcomes* the actions taken by the Government of Cambodia to combat illicit logging, which has seriously threatened the full enjoyment of economic, social and cultural rights by many Cambodians, including indigenous people, expects these efforts by the Government to continue, and welcomes the progress made on the drafting of the new law on land;

29. *Also welcomes* the consideration by the Committee on the Rights of the Child of the initial report of Cambodia submitted under the Convention on the

[11] Resolution 44/25, annex.

[12] Resolution 2106 A (XX), annex.

Rights of the Child, asks the Government of Cambodia to follow up the recommendations made by the international human rights treaty bodies regarding the reports submitted by it, calls upon the Government to meet its reporting obligations under all other international human rights instruments, and requests the office in Cambodia of the High Commissioner to continue to provide assistance in this regard;

30. *Expresses grave concern* at the devastating consequences and destabilizing effects of the use of anti-personnel landmines on Cambodian society, encourages the Government of Cambodia to continue its support and efforts for the removal of those mines and for victim assistance and mine-awareness programmes, and commends donor countries and other actors of the international community for their contributions and assistance to mine action;

31. *Expresses concern* about the large number of small arms in society and commends the efforts of the Government of Cambodia to control the spread of weapons;

32. *Notes with appreciation* the use by the Secretary-General of the United Nations Trust Fund for a Human Rights Education Programme in Cambodia to finance the programme of activities of the office in Cambodia of the High Commissioner, as defined in resolutions of the General Assembly and the Commission on Human Rights, and invites Governments, intergovernmental and non-governmental organizations, foundations and individuals to consider contributing to the Trust Fund;

33. *Requests* the Secretary-General to report to the General Assembly at its fifty-sixth session on the role and achievements of the Office of the High Commissioner in assisting the Government and people of Cambodia in the promotion and protection of human rights and on the recommendations made by the Special Representative on matters within his mandate;

34. *Decides* to continue its consideration of the situation of human rights in Cambodia at its fifty-sixth session under the item entitled "Human rights questions".

81st plenary meeting
4 December 2000